

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
Implementation of the Commercial Advertisement) MB Docket No. 11-93
Loudness Mitigation (CALM) Act)
)

Filed via ECFS under Docket No. 11-93

REQUEST FOR RENEWAL OF WAIVER DUE TO FINANCIAL HARDSHIP

Pursuant to the Report and Order entitled *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act* (FCC 11-182, MB Docket No. 11-93; hereafter, "the Order"), AGAPE CHURCH, INC. ("Agape"), licensee of stations KVTN-DT, Pine Bluff, AR; KVTH-DT, Hot Springs, AR; and KVTJ-DT, Jonesboro, AR, requested a waiver of the effective date of the rules implementing the CALM Act on September 19, 2012. That request was made on the basis of financial hardship under the "streamlined financial hardship" provisions of the Order.

As indicated in the Order, the duration of the initial waiver was to be one year from the effective date of the rules (December 13, 2012). The Order allowed for the renewal of the initial waiver for one additional year provided that the stations certify that: "(1) they meet [the FCC's] definition of small, and (2) financial circumstances continue to prevent them from obtaining the necessary and specified equipment to comply with the CALM Act requirements." According to the Order, "the filing requirements to request a waiver for a second year are the same as those for the initial waiver request." Agape hereby requests renewal of the initial waivers for one additional year for KVTN-DT, KVTH-DT and KVTJ-DT under the "streamlined financial hardship" provisions of the Order.

In paragraphs 52 and 53 of the Order, the Commission states: "a small station or MVPD (as we define below) that seeks a waiver must file with the Commission a certification that it: (1) meets our definition of small for this purpose, and (2) needs a delay of one year to obtain specified equipment in order to avoid the financial hardship that would be imposed if it were required to obtain the equipment sooner. The station or MVPD is not required to submit any proof of financial condition." The Commission goes on to define a "small broadcast station" as "either a station with no more than \$14.0 million in annual receipts or that is located in television markets 150 to 210."

Station KVTN-DT certifies that it is a small broadcast station with no more than \$14.0 million in annual receipts, and that financial circumstances continue to prevent it from obtaining the necessary and specified equipment to comply with the CALM Act requirements.

Station KVTH-DT certifies that it is a small broadcast station with no more than \$14.0 million in annual receipts, and that financial circumstances continue to prevent it from obtaining the necessary and specified equipment to comply with the CALM Act requirements.

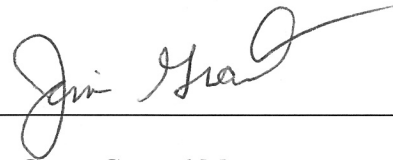
Station KVTJ-DT certifies that it is a small broadcast station by virtue of the fact that it is within the Jonesboro DMA (DMA rank 181), and that financial circumstances continue to prevent it from obtaining the necessary and specified equipment to comply with the CALM Act requirements.

As specified in footnote 226 to paragraph 52 of the Order, stations seeking a waiver using the “streamlined financial hardship” approach “must identify or provide a description of the kind of equipment it intends to obtain; however, it need not specify the model number.” Due to legacy analog equipment still present within Agape’s Studio-to-Transmitter Link (“STL”), the above-listed stations do not have current capabilities to send audio metadata to the ATSC encoders. In order to comply with the CALM Act by the deadline, Agape would have to use the “Fixed Metadata” approach and purchase specialized test equipment (Audio Loudness monitors or analyzers) for each of its three stations that would alert operators to the need to adjust the incoming program audio. Such test equipment would be superfluous when Agape replaces the legacy STL with a digital system. Agape is currently implementing a digitization project that will upgrade its STL to digital. After digital upgrades, Agape intends to install Automatic Level Control equipment that will automatically adjust the audio and/or metadata to allow the stations to comply with the CALM Act using the “Agile Metadata” approach mentioned in the ATSC’s Recommended Practice. Agape envisions that the digital upgrades will be complete within the next 12 months.

Respectfully submitted,

AGAPE CHURCH, INC.

By: _____



Jim Grant, General Manager
KVTN-DT / KVTH-DT / KVTJ-DT
701 Napa Valley Dr.
Little Rock, AR 72211
(501) 223-2525

September 26, 2013